

Introduction

Finding an effective solution to the jail overcrowding issue is not only a matter of good public policy, it is mandated by Court Order. Since 1988, the Santa Barbara County Superior Court has been overseeing the County's efforts to eliminate jail overcrowding as a result of the lawsuit entitled Inmates of Santa Barbara Jail vs. Sheriff John Carpenter (Case #152487). Since the Court issued its August 2, 1988 Decision and Order in this lawsuit, the Sheriff's Department has implemented a number of measures to address jail overcrowding, including expanding the Santa Barbara jail by constructing a reception center, implementing early release programs, redirecting certain inmates to the Honor Farm, and establishing an electronic monitoring program.

Although these efforts temporarily address the overcrowding problem when first implemented, it is never long before inmates are sleeping on the floors again. As the County population continues to grow, the number of court cases rises, and the time for processing criminal cases through the court system expands, it is inevitable that the jail overcrowding alternatives employed by the Sheriff's Department only serve as stopgap measures. As the Court recognized in its February 13, 1989 Order, "[t]he Court is of the opinion that this long-term planning must be done with a view towards establishing suitable facilities in the North County."

Court Order Overview

The following overview of the Court's Orders provides a clear progression of the Sheriff Department's and the Jail Overcrowding Task Force's¹ efforts to resolve the jail overcrowding issue, and the Court's determination to find a solution.

- **Order of August 2, 1988** (Attachment 1) - The Court enters an Order authorizing the Sheriff to institute an early release program, and directs the Jail Overcrowding Task Force to prepare a report with specific recommendations regarding such options as expanding the Bail/Own Recognizance Unit, expanding the parole program, house arrests, and clearing outside agency holds.
- **Order of February 13, 1989** (Attachment 2) - The Court issues a detailed Order to the Sheriff requiring the implementation of a number of measures to reduce jail overcrowding. The Court recognizes that its Order will result in an increase in the level of services, and as a result, an increase in expenses, but concludes that "those expenses cannot be avoided if the overcrowding problem is to be seriously addressed and dealt with." Some of the measures ordered by the Court are an expanded field cite release program; sending inmates to the Honor Farm; making facility modifications to

¹ The Jail Overcrowding Task Force was instituted by the Sheriff in 1985 for the purpose of reviewing procedures and policies to alleviate overcrowding. It has countywide representation, including representatives from the Sheriff, Probation, District Attorney, Courts, Public Defender, County Counsel, Alcohol Drug and Mental Health Services, CEO and the Board of Supervisors.



Court Orders

the Honor Farm; expanding the Own Recognizance units' staff in North and South County; expanding the County parole program; proceeding with plans for facilities and development programs; and completing the planning and construction of a new reception center at the Main Jail.

- **Order of February 23, 1990** - The Court limits the number of female inmates to a maximum of 65 individuals.
- **Order of January 24, 1996** - As a result of additional beds in the jail basement dormitory, the Court increases the female cap to a maximum of 99 inmates.
- **Order of September 22, 1998** (Attachment 3) - The Court orders that within one year, there must be a reduction in the number of inmates in the male portion of the Main Jail from 702 to 587, with 587 being the new cap on the number of inmates. To ensure that the cap is not exceeded, the Court imposes a "flex" cap of 530 inmates. At any time that the male inmate population reaches 530 individuals, the Sheriff is authorized to impose release criteria to ensure that the capacity does not exceed 587 inmates. (This Order came more than two years after the Sheriff's Department argued against imposing a cap and instead allowing it to address the jail overcrowding issue in other ways, such as those provided by the February 13, 1989 Order.)
- **Order of September 7, 1999** - The Court modifies the early release program to require inmates eligible for early release to participate in an alternative program, such as electronic monitoring, parole, or Sheriff's Work Alternative Program (SWAP); failure of an inmate to agree to participate in an alternative program results in the inmate being passed over for early release. The female inmate cap is increased by 2 and male inmate cap is increased by 18.
- **Order of December 29, 1999** - The Court amends its prior Orders of September 22, 1998 and September 7, 1999 to allow the Sheriff to exceed the flex cap in times of emergency, including incidents causing mass bookings at the jail. In such instances of emergency, the Sheriff will not be required to immediately release inmates as would have been required under the previous Orders.
- **Order of April 2001** - The flex cap is reduced from 548 to 520 inmates.
- **Order of May 24, 2005** (Attachment 4) - The Court changes the booking criteria at the Main Jail; authorizes all pre-trial, post arraignment misdemeanor inmates who meet specified criteria into the electronic monitoring program or be issued a citation release (which is a promise to appear at the next scheduled hearing); and authorizes the reconfiguration of the Main Jail dormitory spaces to add 44 male beds, for a total of 649 beds.



The County's failure to comply with these Court Orders could result in a finding of contempt and an assessment of fines by the Court. This was the situation in the case of the Board of Supervisors of San Diego County, et. al., v. The Superior Court of San Diego County; Manuel Armstrong, et.al., Real Parties in Interest (1995) 33 Cal. App. 4th 1724. On appeal, the Court of Appeals concurred with the trial court's finding of contempt against the Sheriff of San Diego County for failing to comply with a consent decree and order limiting the population of one of the jails operated by the County. The Court found that it was the Sheriff's responsibility to operate the jail within the terms of the consent decree, and in this case, the Sheriff had not taken all steps available to him to meet the restrictions of the consent decree. The Court's remedy for contempt was to require the Sheriff to pay a fine of \$20 per day per prisoner who exceeded the cap set forth in the consent decree. The monies collected were placed into an escrow fund which was exclusively to be used to establish staff and reduce over-the-cap housing at the jail.²

Summary

The preceding chronology of Court Orders, issued relative to the Santa Barbara jail overcrowding issue, and the San Diego case cited above, demonstrate the increasing pressure being placed by the judicial system driving the need for a new jail facility. The County of Santa Barbara increasingly faces the risk of additional penalties and sanctions as long as jail overcrowding exists and increases.

² The Court of Appeals did overturn the trial court's finding of contempt against the San Diego County Board of Supervisors, determining that their only responsibility with respect to the consent decree was to provide a reasonable amount of funding for the jail to enable the Sheriff to operate it adequately. The Court of Appeals found that the Board had satisfied this requirement.



Attachment 1- Order of August 2, 1988

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FILED
SUPERIOR COURT
SANTA BARBARA
AUG 2 1988
Kenneth A. Pettit,
County Clerk-Recorder
By Michael Villanueva
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

INMATES OF SANTA BARBARA
COUNTY JAIL,
Petitioner,
vs.
SHERIFF JOHN CARPENTER, et al.,
Respondents.

SHAHROUZ JAHANSHAH, etc.,
Petitioner,
vs.
JOHN CARPENTER, etc.,
Respondent.

ABEL FRANSICO PULIDO,
Petitioner,
vs.
JOHN CARPENTER, SHERIFF,
Respondent.

No. 152487
No. 156957
No. 158862
DECISION AND ORDERS

Further proceedings in the above-captioned matters were held on May 23, 1988. Evidence was presented which establishes that as of the date of hearing the rated bed capacity for the Santa Barbara County Jail was 408. Actual bed capacity



Attachment 1- Order of August 2, 1988

1 was 542. Inmate population was running at about 23% above
2 rated bed capacity, which would put it at 502. On two days in
3 April and one in May, the actual inmate population reached 557,
4 13 above actual bed capacity. At no time between July 1, 1987,
5 and the hearing date has the jail been without floor sleepers.
6 The range has been from a low of 1 on March 9, 1988, to a high
7 of 29, which occurred twice. The trend in inmate population
8 has been substantially upward. Average inmate population for
9 July, 1987, was 413. Average inmate population for April, 1988,
10 was 530.

11 Given the fact that actual inmate population has
12 exceeded bed capacity on only 3 occasions, mathematically, at
13 least, there should have been floor sleepers only on those
14 occasions. However, for housing purposes inmates need to be
15 classified, and problems of numbers of inmates in a particular
16 class exceeding space available for those so classified are
17 frequent. In addition, the classification process is sometimes
18 slow. In fact, the Sheriff's Department is working on this
19 problem and anticipates that a more efficient classification
20 process will result in fewer floor sleepers.

21 What the evidence presented did not disclose was the
22 length of time that the average floor sleeper goes without a
23 bed, and the percentage of inmates who cease being floor sleepers
24 as a result of finding a bed, as opposed to being released from
25 jail.

26 What is most disturbing is the trend which, if it
27 continues, will undoubtedly lead to a chronic overcrowding of
28 the County Jail, in which the inmate population will exceed bed



Attachment 1- Order of August 2, 1988

1 capacity on a routine basis.

2 To date, other than the suggestion by the Jail Command
3 that a more efficient classification process might alleviate the
4 problem, the only proposal made on behalf of respondent by way
5 of solution is the construction of a 128-bed capacity reception
6 center.

7 As of July 18, 1988, when this project was discussed
8 in some detail in a letter from the County Counsel, construction
9 planning had not been begun. Furthermore, the probability of
10 availability of County funds for actual construction is remote.

11 There has been in existence for the past several years
12 a jail overcrowding task force, with Countywide representation,
13 which numbers among its members the Court Administrative Officer,
14 an Undersheriff, the head of the Probation Department, repre-
15 sentatives from the District Attorney, Public Defender, County
16 Counsel, Public Works, and Municipal Court. The task force meet:
17 fairly regularly. To date, no recommendations attributable to
18 the task force have been presented to the Court by way of re-
19 solving jail overcrowding.

20 It seems imperative that now is the time for procedure
21 and policies to be implemented which will prevent jail overcrowd-
22 ing from reaching the levels of 1986-87.

23 ORDERS

24 1. The Sheriff is authorized to institute an early
25 release program pursuant to §4024.1 of the Penal Code.

26 2. The Sheriff is directed to prepare a plan for earl
27 release based upon a three-day pass system pursuant to §4018.6
28 of the Penal Code. The plan should exclude inmates with sentence

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Attachment 1- Order of August 2, 1988

1 of 60 days or less.

2 3. The jail overcrowding task force is directed to
3 prepare and present to the Court a report with specific recom-
4 mendations regarding the following:

5 1) Earlier release for those inmates not being
6 released pretrial under existing OR/bail procedures.

7 2) Staffing requirements and attendant cost to
8 expand bail/OR unit to allow adequate screening and pretrial
9 early release of more County Jail inmates.

10 3) The feasibility of expanding the use of the
11 County parole program in reducing jail overcrowding.

12 4) The feasibility and attendant costs of a pro-
13 gram of house arrest similar to one being implemented in Orange
14 County.

15 5) A plan of release of pretrial detainees in
16 addition to routine O/R and bail releases and sight releases to
17 be implemented in the event of a court-ordered deadline to re-
18 duce overcrowding. For example, O/R release all persons whose
19 bail by schedule is less than a specific amount.

20 6) A plan for clearing outside agency holds and
21 a transfer of inmates to those agencies.

22 7) The feasibility of releases.

23 As to each of the tasks assigned to the Jail
24 Overcrowding Task Force, an estimate of potential impact on
25 overcrowding should be included with the recommendation.

26 4. Further hearing on these matters is set for
27 September 26, 1988, at 8:30 a.m. At that hearing, the Sheriff
28 should present his report regarding the results of the revised



Attachment 1- Order of August 2, 1988

1 classification procedures. He should also present his recommen-
2 dation regarding the three-day pass early release program, with
3 projected impact, and a report as to the impact of the Penal Code
4 §4024.1 early release program. The Sheriff should also present
5 an updated statistical report on jail overcrowding, to include,
6 if possible, information as to the average length of time an
7 inmate is on the floor and the extent to which the termination
8 of his status as a floor sleeper is due to pretrial release as
9 opposed to finding a bed.

10 Also, at the hearing on September 26 a representa-
11 tive or representatives of the jail overcrowding task force should
12 be present to advise the Court of the progress being made in the
13 areas assigned and provide estimated dates by which report and
14 recommendations will be made.

15 DATED: August 2, 1988.

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18 William L. Gordon
19 Judge of the Superior Court
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Attachment 1- Order of August 2, 1988

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA <input checked="" type="checkbox"/> Santa Barbara <input type="checkbox"/> Santa Maria 1100 Anacapa St, 93101 312 E Cook St, 93454		FILED SUPERIOR COURT SANTA BARBARA AUG 3 1988 Kenneth A. Pettit, County Clerk-Recorder By <u>Ofelia R. Villanueva</u> Deputy Clerk
SHORT TITLE OF CASE: Inmates of Santa Barbara County Jail vs. <u>Sheriff John Carpenter, et al.</u> Shahrourz Jahanshani vs. <u>John Carpenter</u> Abel Fransisco Pulido vs. <u>John Carpenter, Sheriff</u>		
		Case Number: 152487 156957 158862 CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause, and that a true copy of the document(s) listed as follows:

DECISION AND ORDERS

Listing of documents mailed continued on reverse
 were served to each person or entity named below, by placing a copy thereof in a sealed envelope addressed to each of them as shown with postage thereon fully prepaid, and on the date shown below depositing it in the US mail at Santa Barbara Santa Maria CA.

Glen Mowrer, Jr., Public Defender
 Seymour Weisberg, Deputy
 Courthouse, 3rd Floor
 Santa Barbara, CA 93101

Robert M. Sanger, Esq.
 Sanger & Ganschow
 1616 Chapala Street
 Santa Barbara, CA 93101

Thomas W. Sneddon, Jr.,
 District Attorney
 Gerald Franklin, Esq.
 1105 Santa Barbara Street
 Santa Barbara, CA 93101

Kenneth L. Nelson, County Counsel
 Stephen D. Underwood, Deputy
 105 East Anapamu Street
 Santa Barbara, CA 93101

Listing of additional addresses continued on reverse
 Mailed on (Date): August 3, 1988
 Kenneth A. Pettit, Clerk of the Santa Barbara Superior Court
 By Ofelia R. Villanueva, Deputy
 Ofelia R. Villanueva

(CL-103)(10325)
 CL XX-864 [Rev 1/88]

CLERK'S CERTIFICATE OF MAILING

CCP 1013a, 2015.5



Attachment 2- Order of February 13, 1989

1 Further proceedings in the above-captioned matters were
2 held on January 30, 1989. Robert Sanger and Jake Stoddard,
3 Deputy Public Defender, appeared on behalf of Petitioners.
4 Respondents were represented by Stephen D. Underwood, Senior
5 Deputy County Counsel.

6 In its August 1988 Order this Court directed the Jail
7 Overcrowding Task Force to prepare and present to the Court a
8 report outlining specific recommendations with regard to various
9 programs designed to alleviate overcrowding at the Santa Barbara
10 County Jail. Those reports and recommendations were submitted
11 to the Court for the January 30, 1989 hearing and the Court
12 wishes to commend the Task Force, the County Board of
13 Supervisors, the Sheriff and other County officials and counsel
14 for the respective parties for their diligence in bringing
15 forward recommendations designed to alleviate overcrowding at
16 the Santa Barbara County Jail.

17 Evidence at the hearing showed that the present main
18 jail has 606 temporary/permanent beds (male side). There are an
19 additional 142 beds at the Jail Honor Farm (male). While it
20 appears that the chronic problem of floor sleepers as noted at
21 past hearings has been drastically reduced due to the prompt
22 classification of inmates and additional beds in the main jail
23 cells, overcrowding still exists at the facility.

24 Evidence also indicated that the average inmate jail
25 population increased an estimated 20% in 1988 to its highest
26 levels ever, with the expectation that the jail inmate
27 population will continue to rise in future years. In order to
28 prevent the jail from being increasingly overcrowded and to



Attachment 2- Order of February 13, 1989

1 prevent floor sleepers, measures need to be taken to reduce the
2 main jail population.

3 While the County is in the process of moving toward the
4 construction of a 64 bed reception center at the jail, that
5 construction will not be completed, at the earliest, until
6 summer 1991. Immediate measures, therefore, need to be taken to
7 reduce the main jail population.

8 The Court recognizes that the following orders will
9 require the County of Santa Barbara to increase the level of
10 certain services not previously provided, along with the expense
11 associated with that increase in services. The Court also
12 recognizes that these orders will make the providing of existing
13 services more costly. However, those expenses cannot be avoided
14 if the overcrowding problem is to be seriously addressed and
15 dealt with.

16 O R D E R S

17 1. The Sheriff is to implement an expanded field cite
18 release program designed to educate local police agencies in
19 Santa Barbara County on ways to increase their use of field cite
20 releases.

21 2. The Sheriff is to cite release persons arrested on
22 failure to appear warrants and arrestees whose bail is \$2,000.00
23 or less for out of County warrants issued by other agencies.

24 3. The Sheriff is to assign pre-trial inmates to the
25 Honor Farm who would otherwise be eligible for the Honor Farm if
26 they were sentenced inmates.

27 4. The Sheriff, within his classification discretion,
28 is to assign to the Honor Farm certain sentenced inmates

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Attachment 2- Order of February 13, 1989

1 previously deemed ineligible.

2 5. The Sheriff is to implement necessary facility
3 modifications, ^{AND STAFFING ✓} to create a holding unit at the Honor Farm for
4 persons arrested for public intoxication and driving under the
5 influence. ^{TO DAYS} THE UNIT SHALL BE OPERATIONAL WITHIN

6 6. The Own Recognizance (O.R.) units' staffs in both
7 the North and South Santa Barbara County (Municipal Courts) are
8 to be expanded to allow for more timely processing of interviews
9 and release of arrestees.

10 7. Pursuant to the legal mandates of CLETS and
11 agreements with the Sheriff's Department and Municipal Courts,
12 the O.R. units are to be given access to CLETS and DMV records
13 at the Santa Barbara County Jail so as to permit more timely and
14 knowledgeable decisions concerning O.R. release until
15 installation of the units' own terminals.

16 8. The Santa Barbara Municipal Court O.R. unit shall
17 evaluate misdemeanor arrestees not otherwise cite released and
18 persons arrested on misdemeanor warrants to determine
19 eligibility for O.R. release.

20 9. The Santa Barbara Municipal Court O.R. unit is to
21 develop criteria to liberalize existing O.R. release criteria
22 for arrestees and to establish administrative release procedures
23 for persons arrested on warrants based upon criteria developed
24 by the municipal courts.

25 10. The District Attorney's Office is to assign a
26 Deputy District Attorney to the arraignment calendar in Santa
27 Maria Municipal Court.

28 11. The Santa Barbara County Municipal Courts are



Attachment 2- Order of February 13, 1989

1 encouraged to order sentencing reports on felony cases upon
2 certified pleas and pre-plea reports after preliminary hearings
3 so as to expedite the processing of such reports.

4 12. The County is to expand the County Parole Program
5 by changing existing parole criteria to allow persons with 1/3
6 of their sentence served to become eligible for County parole,
7 expand its current bi-weekly hearing schedule to weekly hearings
8 and to provide supervision to those defendants released on
9 parole, and make inmates aware of these changes.

10 13. The County is ordered to immediately begin to
11 proceed with plans for facilities and development programs to
12 relieve jail overcrowding. Programs are to include, but not be
13 limited to detention, as well as mental health, alcohol and drug
14 diversion and detoxification facilities. The Court is of the
15 opinion that this long-term planning must be done with a view
16 towards establishing suitable facilities in the North County.

17 14. The County is ordered to complete the planning and
18 construction of a new reception center at the Main Jail.

19 15. The County is ordered to provide the necessary
20 funds, staffing, equipment, space and take any other measures
21 necessary to implement the above orders.

22 16. All remaining issues raised at the hearing and not
23 previously dealt with by this Order are taken under submission.

24 17. The Court shall retain jurisdiction over the
25 matter and a further hearing is set for July 31, 1989 at
26 9:00 a.m., at which time the Court will review each of the
27 orders contained herein as to program progress and impact on
28 jail overcrowding.

-5-



Attachment 2- Order of February 13, 1989

1 18. The parties may, without prejudice and upon
2 reasonable notice, set a hearing on any of the matters raised by
3 this Order or any additional orders, prior to the July 31, 1989
4 date.

5 Dated: February 13, 1989


WILLIAM L. GORDON
JUDGE OF THE SUPERIOR COURT

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Attachment 3- Order of September 22, 1998

SEP 22 1998 10:00 AM SANTA BARBARA CO. COUNSEL 805 568 2982 P.02/06

ORIGINAL

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 CC _____
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 AC _____
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 DOC *[Signature]*
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STEPHEN SHANE STARK, COUNTY COUNSEL
 STEPHEN D. UNDERWOOD, CHIEF DEPUTY (SBN 063057)
 COUNTY OF SANTA BARBARA
 105 E. Anapamu St., Suite 201
 Santa Barbara, CA 93101
 (805) 568-2950 / FAX: (805) 568-2982

Attorneys for the Sheriff of the
 County of Santa Barbara

FILED
 SANTA BARBARA
 SUPERIOR COURT
 SEP. 22 1998
 GARY M. BLAIR
 Executive Officer
 By *[Signature]*
 OFELIA R. VILLANUEVA-Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SANTA BARBARA

**INMATES OF SANTA BARBARA
 JAIL**

Petitioners,

vs.

SHERIFF JOHN CARPENTER

Respondent.

Case No: 152487
 [consolidated with case numbers
 156957, 158862, 179020]

**STIPULATION TO IMPOSE CAP
 ON MAIN JAIL AND ORDER
 THEREON**

Date: September 22, 1998
 Time: 8:30
 Dept: Six

Assigned Judge: William L. Gordon

Petitioners are represented by Robert M. Sanger, Esq. and Michael McMahon, Assistant Public Defender and Respondent is represented by Stephen D. Underwood, Chief Deputy County Counsel. The parties hereto agree that chronic overcrowding has occurred in the men's portion of the Santa Barbara County Main Jail in recent years, and as a result it has been necessary for the main jail to place beds in day rooms and to "triple bunk" beds in various housing units within the male portion of the main jail. In addition, while placing beds in the dayrooms and triple bunking some cells has lessened the number of "floor sleepers," it has created increased safety concerns for both male inmates and corrections staff, including, but not limited to, increased possibility of escapes, inmate on inmate assaults, gang-related assaults and

COUNTY COUNSEL
 of Santa Barbara
 105 Anapamu Street
 Santa Barbara, CA 93101
 (805) 568-2950



Attachment 3- Order of September 22, 1998

SEP 22 1998 10:05

SANTA BARBARA CO. COUNSEL

805 568 2982 P.03/06

1 other health and safety issues.

2 The parties to this Stipulation are members of the Jail Overcrowding
3 Task Force and were members of the Task Force's subcommittee which reviewed
4 conditions in the jail and alternatives to incarceration. As a result of the
5 subcommittee's work and report to the Task Force, the Task Force recommended a
6 reduction in the number of beds in the male portion of the main jail, along with other
7 alternatives to provide for the early release of sentenced male inmates from custody in
8 order to achieve a lower number of male inmates housed in the main jail. The
9 recommendation was for a decrease in the number of beds in the mail portion of the
10 main jail from its current capacity of 702 to 587, its rated capacity. Accordingly, the
11 Sheriff has determined it appropriate to reduce the number of beds in the male portion
12 of the main jail. The reduction in the number of beds is planned to be phased in during
13 the next year.

14 As a result of overcrowding and the removal of beds, some male inmates
15 will be released earlier than their normal sentence date. The parties recognize that the
16 early release of male inmates poses concerns for the community. In order to lessen
17 those concerns, every effort is being made to ensure that those persons who are
18 released pose the least danger to the community. Those with non-violent property
19 crimes and non-violent crimes against persons will be the first released, those of a
20 higher risk, including those charged with spousal abuse and assaults will remain in jail.
21 In addition, programs will be established to require those released to serve their time
22 through alternative sentencing programs, which will include SWAP, County Parole,
23 electronic monitoring and increased supervision by Probation staff.

24 Reducing the number of beds is the first and most important aspect in
25 alleviating overcrowding and providing for the safety of sheriff's staff, inmates, and
26 the community. In order to accomplish the reduction of beds and alleviate
27 overcrowding, **IT IS HEREBY STIPULATED AS FOLLOWS:**

- 28 1. Within one (1) year from the date of this signing of this order,

COUNTY COUNSEL
Santa Barbara
Antonio Street
Santa Barbara, CA 93101
(805) 344-2938



Attachment 3- Order of September 22, 1998

SEP-22-1998 10:00

SANTA BARBARA CO. COUNSEL

885 568 2982 P. 04/08

1 there shall be a cap on the number of beds in the male portion of the main jail of 587.

2 2. The Sheriff is ordered to phase in the reduction of beds in the
3 male portion of the main jail from 702 to 587 during that one (1) year period.

4 3. Upon the completion of the phasing out of the 115 beds and
5 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
6 where they will be required to sleep on the floor, and for purposes of classification,
7 there shall be a "flex" cap of 530 inmates. It is at this flex point that the Sheriff's
8 Department will begin using the release criteria in order to ensure the capacity will not
9 exceed 587 inmates.

10 4. That the Sheriff is authorized to utilize the early release criteria,
11 incorporated as part of the Jail Overcrowding Task Force's Final Report, in
12 determining which male inmates are to be released early when the "flex" cap is
13 reached.

14 5. If, during the one (1) year period, circumstances change which
15 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days
16 written notice of such changed circumstances and shall calendar the matter for a
17 hearing before this court.

18 6. This matter shall be placed on the court's calendar at a date not
19 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
20 months from this order for a full status report.

21 Dated: 9-14-98

Sanger & Swysen

22
23 By Robert Sanger
24 Robert M. Sanger
Attorneys for Petitioners *DSB*

25 Dated: _____

Glen Mowyer
Public Defender

26
27 By _____
28 Michael McMahon
Assistant Public Defender
Attorneys for Petitioners

KIMTY COUNSEL
City of Santa Barbara
177 Mission Street
Santa Barbara, CA 93101
805 963 4000



Attachment 3- Order of September 22, 1998

SEP-17-2000 10:05

SANTA BARBARA CO. COUNSEL

805 568 2982 P.05/06

1 there shall be a cap on the number of beds in the male portion of the main jail of 587.

2 2. The Sheriff is ordered to phase in the reduction of beds in the
3 male portion of the main jail from 702 to 587 during that one (1) year period.

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5 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
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16 written notice of such changed circumstances and shall calendar the matter for a
17 hearing before this court.

18 6. This matter shall be placed on the court's calendar at a date not
19 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
20 months from this order for a full status report.

21 Dated: _____

Sanger & Swysen

22
23 By _____
24 Robert M. Sanger
Attorneys for Petitioners

25 Dated: 9/11/98

Glen Mowrer
Public Defender

26
27 By Michael McMahon
28 Michael McMahon
Assistant Public Defender
Attorneys for Petitioners

COUNTY COUNSEL
C Santa Barbara
Washington Street
L Santa Barbara, CA 93101
(805) 568-2930



Attachment 3- Order of September 22, 1998

SEP-17-1998 10:07

SANTA BARBARA CO. COUNSEL

805 568 2982 P.06/06

1 Dated: Sept. 15, 1998

Stephen Shane Stark
County Counsel

2
3 By [Signature]
4 Stephen D. Underwood
5 Chief Deputy County Counsel
6 Attorneys for Respondent

ORDER

7 Based upon the Stipulation of the parties and the court's review of the
8 Jail Overcrowding Task Force's Final Report, IT IS HEREBY ORDERED AS
9 FOLLOWS:

- 10 1. Within one (1) year from the date of this signing of this order,
11 there shall be a cap on the number of beds in the male portion of the main jail of 587.
12 2. The Sheriff is ordered to phase in the reduction of beds in the
13 male portion of the main jail from 702 to 587 during that one (1) year period.
14 3. Upon the completion of the phasing out of the 115 beds and
15 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
16 where they will be required to sleep on the floor, there shall be a "flex" cap of 530
17 inmates.
18 4. That the Sheriff is authorized to utilize the early release criteria
19 attached as part of the Jail Overcrowding Task Force's Final Report in determining
20 which male inmates are to be released early when the "flex" cap is reached.
21 5. If, during the one (1) year period, circumstances change which
22 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days
23 written notice of such changed circumstances and shall calendar the matter for a
24 hearing before this court.
25 6. This matter shall be placed on the court's calendar at a date not
26 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
27 months from this order for a full status report.

28 Dated: Sept 22, 1998

[Signature]
Judge of the Superior Court
WILLIAM I. GORDON

TOTAL P.06

COUNTY COUNSEL
1 Santa Barbara
2 Anapamu Street
3 Santa Barbara, CA 93101
4 (805) 566-2930



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2962 P.02/05

1 STEPHEN SHANE STARK, COUNTY COUNSEL
2 STEPHEN D. UNDERWOOD, Chief Assistant (SBN 063057)
3 MICHAEL C. GHIZZONI, Deputy County Counsel (SBN 149514)
4 COUNTY OF SANTA BARBARA
5 105 E. Anapamu St., Suite 201
6 Santa Barbara, CA 93101
7 (805) 568-2950 / FAX: (805) 568-2967

8 Attorneys for the Santa Barbara County Sheriff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAY 24 2005

GARY M. BLAIR, EXEC. OFFICER

By Y. MEAD
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SANTA BARBARA

11 INMATES OF SANTA BARBARA JAIL

12 Petitioners,

13 v.

14 SHERIFF JOHN CARPENTER

15 Respondent.

Case No: 152487

[consolidated with case numbers
156957, 158862, 179020]

STIPULATION AND ORDER TO CHANGE
CONDITIONS OF CONFINEMENT AT THE
SANTA BARBARA COUNTY MAIN JAIL

Date: May 5, 2005

Time: 3:30 p.m.

Dept: 12

Assigned Judge: Honorable Brian Hill

16
17
18 After considering recommendations by the Jail Overcrowding Task Force,
19 Sheriff Jim Anderson has proposed these measures to alleviate overcrowding at the
20 Santa Barbara County Main Jail:

- 21 1. Provide the Sheriff with authority to change booking criteria, to:
- 22 - Increase the booking criteria for traffic and/or misdemeanor warrant bail,
 - 23 from \$1,000 to \$2,000 per individual warrant;
 - 24 - Increase out-of-county warrant bail, from \$2,000 to \$5,000 per individual
 - 25 warrant; and,
 - 26 - Refuse misdemeanor bookings into the County Jail.
- 27 2. Allow all pre-trial, post-arraignment misdemeanor inmates who meet the Sheriff's

28 STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT
1



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.03/05

1 qualification criteria into the electronic monitoring ("EM") program, or issue them a
2 citation release ("promise to appear").

3 3. Reconfigure existing Santa Barbara County Main Jail dormitory spaces, to add 44
4 male beds – increasing total male beds from 605 to 649 – as follows:

- 5 - Change East 25 Dormitory from a male medical unit dormitory to a female
6 general population dormitory;
- 7 - Change East 24 Dormitory from a male general population dormitory to a
8 male medical unit dormitory;
- 9 - Change Female Basement Dormitory 1 to a male, 24-bed, protective
10 custody dormitory; and,
- 11 - Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general
12 population dormitory.

13 IT IS HEREBY STIPULATED by and among James Egar, Public Defender,
14 Robert Sanger, Esq. and Stephen D. Underwood, Chief Assistant County Counsel, on
15 behalf of all parties to these proceedings, that the measures proposed above by
16 Sheriff Jim Anderson be implemented upon the execution of this order by the court.

17 Dated: May 24, 05

Sanger & Swyser

18 By [Signature]
19 Robert M. Sanger
Attorneys for Petitioners

20 Dated: _____

James Egar
Public Defender

21 By _____
22 James Egar
23 Public Defender
Attorneys for Petitioners

24 Dated: April 22, 2005

Stephen Shane Stark
County Counsel

25 By [Signature]
26 Stephen D. Underwood
27 Chief Assistant County Counsel
Attorneys for Respondent

28 COUNTY COUNSEL
County of Santa Barbara
65 West Annapolis Street
Santa Barbara, CA 93101
(805) 568-2980

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.04/05

1 qualification criteria into the electronic monitoring ("EM") program, or issue them a
2 citation release ("promise to appear").

3 3. Reconfigure existing Santa Barbara County Main Jail dormitory spaces, to add 44
4 male beds -- increasing total male beds from 605 to 649 -- as follows:

- 5 - Change East 25 Dormitory from a male medical unit dormitory to a female
6 general population dormitory;
- 7 - Change East 24 Dormitory from a male general population dormitory to a
8 male medical unit dormitory;
- 9 - Change Female Basement Dormitory 1 to a male, 24-bed, protective
10 custody dormitory; and,
- 11 - Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general
12 population dormitory.

13 IT IS HEREBY STIPULATED by and among James Egar, Public Defender,
14 Robert Sanger, Esq. and Stephen D. Underwood, Chief Assistant County Counsel, on
15 behalf of all parties to these proceedings, that the measures proposed above by
16 Sheriff Jim Anderson be implemented upon the execution of this order by the court.

17 Dated: _____ Sanger & Swysen
18 By _____
19 Robert M. Sanger
Attorneys for Petitioners

20 Dated: 5/24/05 James Egar
21 Public Defender
22 By James Egar
23 James Egar
Public Defender
Attorneys for Petitioners

24 Dated: April 22, 2005 Stephen Shane Stark
25 County Counsel
26 By _____
27 Stephen D. Underwood
Chief Assistant County Counsel
Attorneys for Respondent

28 COUNTY COUNSEL
County of Santa Barbara
200 West Annapolis Street
Santa Barbara, CA 93101
805/568-2980

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.05/05

ORDER

Based on the Stipulation of the parties, IT IS HEREBY ORDERED that the Santa Barbara County Sheriff is authorized to:

1. Change booking criteria at the Santa Barbara County Main Jail, to:

- Increase the booking criteria for traffic and/or misdemeanor warrant bail, from \$1,000 to \$2,000 per individual warrant;
- Increase out-of-county warrant bail, from \$2,000 to \$5,000 per individual warrant; and,

- Refuse misdemeanor bookings into the County Jail.

2. Allow all pre-trial, post-arraignment misdemeanor inmates at the Santa Barbara County Main Jail to meet the Sheriff's qualification criteria into the electronic monitoring ("EM") program, issue them a citation release ("promise to appear").

3. Allow existing dormitories at the Santa Barbara County Main Jail to be reconfigured to add 14 male beds - increasing total male beds from 605 to 649 - as follows:

- Change "East 25" dormitory from a male medical unit dormitory to a female general population dormitory;
- Change "East 24" dormitory from a male general population dormitory to a male medical unit dormitory;
- Change Female Basement Dormitory 1 to a male, 24-bed, protective custody dormitory; and,
- Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general population dormitory.

"
Dated: 5/24/05

B. E. H. W.
Judge of the Superior Court

COUNTY COUNSEL
County of Santa Barbara
100 West Annapolis Street
Santa Barbara, CA 93101
(805) 568-2920

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT

